



## **SUMMARY MEETING REPORT**

### **MARINE FISHERIES ADVISORY COMMITTEE**

**Washington, DC · May 9-10, 2013**

#### **OVERVIEW**

The Marine Fisheries Advisory Committee (MAFAC or ‘the Committee’) held its first meeting in 2013 on May 9-10 in Washington, DC with Keith Rizzardi presiding as Chair. At the outset, the Committee welcomed one new member, Mr. John Corbin of Hawaii, to his first MAFAC meeting.

This meeting covered one and one half days of work. On Thursday afternoon, the Committee continued its dialogue on seafood certification and what, if any, role may be appropriate for the Federal government to play in this arena. The session began with an in-depth panel presentation by external experts.

Friday’s agenda was largely focused on the discussions and findings of the Managing Our Nation’s Fisheries 3 Conference, which focused on the concepts, policies, and practice of the sustainability of fish stocks and ecosystem functions, and the fishing communities that depend on them. The conference addressed Magnuson-Stevens Act reauthorization (MSA) issues, as well as adjustments to current management that do not require legislation to implement. MAFAC members deliberated over the findings and identified specific policy topics of interest for MAFAC consideration, assessment, and input over the coming months. MAFAC also heard reports from the National Working Waterfronts & Waterways Symposium that was held in March in Tacoma, WA, and an update from the Endangered Species Act (ESA) Working Group.

This report chronicles the topics covered on the agenda, and any specific findings, recommendations, and next steps approved by the full Committee. The list of members, staff and the public in attendance are in the full meeting transcripts found on the MAFAC webpage [here](#). The agenda is posted there as well.

#### **MEETING SUMMARY**

##### **Thursday, May 9, 2013**

##### **Welcome & Introductions – Keith Rizzardi, Chair**

Keith thanked NOAA for the well-organized event, for allowing MAFAC members to participate in the high-level discussions of these important fisheries issues, and continuing that work is the focus of Friday’s agenda. Keith welcomed the Committee’s newest member, John Corbin, and had everyone around the table introduce themselves.

### **Opening Remarks – Sam Rauch, Acting Assistant Administrator and Eric Schwaab, Acting Assistant Secretary for Conservation and Management**

Sam Rauch thanked everyone for their participation at the conference and agreed that it was a high-level discussion about what direction to take U.S. fisheries. The findings range from a series of best practices or practices that we can consider now with some minor policy changes, which may be relatively easy to do; to proposed regulatory changes which would be somewhat harder to do; to some proposed legislative changes which may be very hard to do even if they are good ideas. We need to determine which findings are doable and how they can be achieved. We also need to work through those that are conflicting, and with the current budget realities, if funds are limited, what we may wish to undertake, but cannot at this time.

The challenge to MAFAC is to synthesize all the information provided and to narrow it down to something useful, pointed, and directed for NOAA.

Eric Schwaab thanked the Committee members for their participation in the conference and emphasized that their efforts to synthesize the information heard and learned about the fisheries management issues presented will be uniquely important to NOAA, particularly considering the breadth and diversity of member perspectives.

He also greatly appreciates MAFAC's continued working group deliberations on seafood certification and ESA issues, as well as engagement on working waterfronts.

### **Managing Our Nation's Fisheries 3 Conference (MONF3) -Agenda Set-up for Friday**

Based on a preliminary survey in advance of the conference, two MAFAC members were identified to lead the discussion for each of the nine sessions of the conference, which encompasses most of Friday's agenda. Mark Holliday encouraged everyone to review the trigger questions that had been sent out the week before, and focused on the goals of the discussion:

- a. Triage the conference findings and filter through which items are considered most relevant to the Committee.
- b. Identify findings to be taken up for MAFAC consideration.
- c. Of the findings presented, which does MAFAC identify as the highest priority?

The co-leads were asked to review the findings for their session and identify the items they see as the most relevant for MAFAC consideration during Friday's discussion.

### **Seafood Certification – George Nardi, Chair of the Working Group**

George Nardi introduced the topic and referred attendees to the annotated agenda available online. He noted that the group has been reaching out to stakeholders the past several months to gather information and different perspectives – producers, growers, wholesalers, retailers, and distributors. Keith Rizzardi, Bob Rheault, and John Butterfield, an intern in the NMFS Policy Office, attended the Boston Seafood Show in March and Bob has designed and sent out an electronic survey to gather information from additional stakeholders.

Overall, the group has been interested in identifying what buyers need to prove sustainability. What level of certification should MAFAC recommend to NOAA that provides the most benefit to the stakeholders' constituencies?

**Presentations were made by a panel of external experts**— they were asked to reflect on the current and future direction and challenges for seafood certification. The panelists included:

- **Kerry Coughlin**, Regional Director - Americas, Marine Stewardship Council (MSC)
- **Molly Metcalf**, North American Business Development Manager for Global Aquaculture Alliance (GAA)
- **Thor Lassen**, President, Ocean Trust
- **Laurel Bryant**, Chief of External Affairs, NOAA Fisheries

Each presenter used a PowerPoint presentation, which are posted to the MAFAC meeting webpage ([click here](#)).

Following the presentations and a brief break, members of the public that were in attendance were invited to provide comments from their perspective.

Ray Riutta, Alaska Seafood Marketing Institute, echoed some points made by others during the conference. An ecolabel is very expensive. He was not sure that the money for a U.S. ecolabel would be money well-spent. The MSC came about because of failures in the European Common Fisheries Policy, and this is not the way fisheries are managed in the U.S. Applying an ecolabel to a U.S. fishery should only be done when absolutely necessary in a marketplace. The customer really is not interested. It's a business to business transaction, not something that can be provided by government. But, it is important to tell the story of U.S. management. FishWatch is good, and the comparison of U.S. fisheries against the FAO code is powerful. He felt that as we continue to move toward well-managed fisheries, we should not have a need for ecolabels.

Jeff Kaelin of Lund's Fisheries in Cape May sells internationally. Lund's is participating in an MSC certification process with scallops, but the MSC label may become a trade barrier. His company believes they need a U.S. label to sell in the EU (and domestically). Consumers are savvy, yet confused. They love FishWatch and Lund's is convinced that is good enough. Consumers are not looking for an ENGO to say the U.S. is doing enough. They use FishWatch with consumers and supermarket suppliers, and believe building on FishWatch with a certification program as part of the MSA is a good alternative to the MSC. He suggested that should be a fee-based program if necessary.

Rick Marks, who represents domestic fishermen, commented on the environmental NGO labels' adverse effect on fishermen when they see their fishery listed as 'do not eat' because of gear types used, even if the fishery is sustainable by U.S. standards. He's not trying to complicate the system with more labels, but we should embrace the success of the MSA. He's hopeful for a very simple approach along the lines of "packed under federal inspection." He is looking for a federal mark that embraces MSA standards and that buyers in the U.S. would accept.

John Whiteside, an attorney in New Bedford, represents the American Scallop Association, Sustainable Fisheries Association (SFA), and other processors and related businesses from Maine to North Carolina. The SFA received MSC certification for the spiny dogfish fishery last year, and the Scallop Association is in the final stages and hopefully will secure certification in the next couple of months. Both are engaged as a way of maintaining share and access to markets in the E.U., Canada, and certain markets in the U.S. There are some global companies that make MSC certification a prerequisite to sell them product. His clients are huge supporters

of FishWatch and are constantly driving customers to FishWatch as a primary source of the data used by ecolabels. He advocates more resources for FishWatch.

Peter Flournoy represents harvesters from the west coast, primarily albacore fishermen. When he first got to the conference he thought a NOAA FishWatch label was needed. After hearing different viewpoints, and considering that the 400 fishermen he represents has paid tens of thousands of dollars on certification and once achieved for the whole fishery there is no economic advantage, he believes there is no value added brought by the certifier. The certifiers keep moving the goal posts and force positions that have not even been attained in Regional Fishery Management Organizations. If the U.S. and E.U. cannot get agreement on these conditions, how are the fishermen supposed to be able to?

Bob Trumble from MRAG Americas, a consulting company, supported Kerry Coughlin and Ray Riutta's position that NOAA should not go into the ecolabel business. He recommended an alternative. All of the presenters indicated the value of NOAA data, but this data is not always laid out in a way that is most helpful for his review. He suggested that if NOAA made their information more accessible, it would make certification processes easier and less expensive, thereby providing a benefit to the fisheries. NOAA should consider a more standardized reporting program for key documents. It would be a way to support the certification process, without supporting them individually.

Bill Kelly, the executive director of the Florida Keys Commercial Fisherman Association in Marathon, FL, endorsed a certification program/national branding by NOAA, similar to a U.S. Department of Agriculture endorsement on products. He would like to see it independent of cooperative programs or other industries with sustainability programs, to eliminate tainting the process or showing partiality because of funding, or political or environmental agendas. It should also encompass HACCP controls (hazard analysis and critical control points) and chain of custody, from catch through to its retail distribution.

The full committee then asked questions of the panel.

Ms. Metcalf was asked if there were aquaculture farms in the U.S. that had the best aquaculture practices (BAP) certification. There are only a few at the moment, one catfish, salmon, and steelhead farm. She was also asked whether USDA certification factored into the BAP evaluation. She suggested that if a farm was following certain guidelines that are environmentally, socially, or food-safety specific, it may make it an easier transition to obtain BAP certification. She was also asked if there was a chain of custody requirement, and she responded yes, and that they accept traditional paper chain of custody, as well as an electronic option through Trace Register.

When asked what she meant by critiquing a NOAA certification program as "the fox guarding the henhouse," Ms. Coughlin explained that per the FAO guidelines which are accepted worldwide, certification programs are to use a third party that is independent from the management of the fishery being assessed. It would not be third party if NOAA conducted it itself.

Additionally, with regard to a question to Ms. Coughlin on the fees incurred from independent third-party certifiers: It's not \$2 million and it's not \$500,000, but the certifiers do not like the MSC to talk about their fees because they negotiate that directly with their clients. But it's a fair question, and she provided a range of about \$20,000 for a small fishery up to \$200,000 for a large, complex fishery. When spread across per pound, it ends up being a lot less than many other fees that are assessed on fisheries. Additionally, the client may choose from any accredited certifier (accredited by Accreditation Services International). MSC encourages clients to get competitive bids from at least two or three companies.

Ms. Coughlin continued that there is no annual fee to be engaged, but there is an annual audit required to maintain a certification for 5 years. None of these fees comes to the MSC. Royalties are only applied when the MSC logo or label is used commercially in the marketplace. It may be used throughout the supply chain, business to business, and the users determine who will pay the fee, not the MSC. For example, with Alaska salmon, Europeans are paying 80% of the fee because they want it. In some cases, a retailer may push the cost back to the processor.

With regards to fees, Ms. Metcalf explained that it's the same for the BAP; third parties establish their own fees, usually dependent on the amount of time an assessment may take. GAA averages the cost of a company getting BAP certified, it averages two-tenths of one cent per pound, 'bare bones' so to speak, for a facility that can get certified on its first attempt. But there is typically some kind of investment in improvements that is needed, if not successful on the first attempt. Concerning BAP standards, aquaculture firms are first required to be in compliance with all the local rules and protocols, which could be different from country to country.

Mr. Lassen was asked about the level of food safety or sustainability scrutiny that imported seafood products receive as they enter the U.S. and the marketplace. Safety is monitored by the FDA, and most products go through HACCP procedures. Sustainability concerns are usually driven by whoever is importing the product and their customers. Every nation has different programs to deal with sustainability, but Ocean Trust has not reviewed structures or systems outside the U.S. to date.

Ms. Metcalf added that, as a global entity, GAA is certifying all over the world. But if product from one country does not fall in line with the guidelines of another country, it won't make it into that market. When asked if food safety is a real problem, she noted that food safety is part of the GAA and BAP program, but obviously environmental and social concerns are the other pieces. There may be a few bad apples, but the seafood industry as a whole cares about safety and this has to be better communicated.

It was noted earlier that 56% of the nation's seafood production comes from Alaska and that 58% of U.S. fisheries are MSC certified. All the fisheries that Julie Bonney is involved with in Alaska are certified, so she was wondering if only 2% of the rest of the nation was certified. It appears there may be 'haves and have-nots' with respect to capital access and ability to go through MSC certification. Thus clarification about the 58% was requested. What type of regional distribution did that represent?

Ms. Coughlin did not have specific figures at hand, but noted there are fisheries throughout the U.S. that are MSC certified: several in Oregon, a Gulf fishery, and a number of them in New

England. She was happy to provide more specific data.

Getting back to the issue of first-party or third-party review and certification, George Nardi asked Tim Hansen to explain the role the NOAA Seafood Inspection Program could possibly take. Mr. Hansen noted that Seafood Inspection does not engage in fisheries management, reports to a different Deputy Assistant Administrator, and when normal audit principles are considered, this program would be valid as an independent third-party reviewer. The same arrangement goes on all time in industry.

Someone had heard that the MSA itself, if scored against the criteria would only score 52%. Was this true? Ms. Coughlin noted that the 52% reference referred to MSA against WWF benchmark criteria, as noted by Bill Fox, and for the MSC it would be a little more than 90%. However, that was not how the MSA would score on the MSC.

Ms. Coughlin noted that some of the concerns brought up by the public about the MSC are inherent in certification programs, and might automatically be inherited by NOAA, if it developed a NOAA certification program. Concerning the value of an MSC certification, some value may be hidden and it's not something the MSC often talks about. Once certified, the MSC works vigorously with those fisheries in the market, helps make market connections, defends fisheries that come under attack, creates and distributes fact sheets to retailers to provide confidence, and is proactive in the media to counter negative attacks. She provided an example of the work the MSC did for the U.S. dogfish fishery with German retailers, their main market. They also actively work with ranking organizations and the Conservation Coalition for Sustainable Seafood, if a certified fishery has some low ranking for some reason. These are the types of things that have to be part of the value-add of a certification program.

Also there are MSC ties to aquaculture according to Ms. Coughlin. One of the main elements in determining the sustainability of an aquaculture operation is its feed fish. If it's a wild capture feed fish, organizations like GAA or ASC look to see if it has MSC certification.

Finally, she noted that NOAA's reputation is important and the U.S. management system is a model for other countries around the world. But if the NOAA develops a seafood certification label and other countries emulate that action, it could lead to other unanticipated problems and the credibility of imports that the U.S. market relies on.

Mr. Lassen followed up on the comments of Bob Trumble, and supported better organization of documents and data and making them more readily available, especially for a fishery that goes through the MSA or Global Trust. It can be difficult to cull information now, so it could provide cost savings and better publically demonstrate the viability of a fishery.

Ms. Bryant was happy to see how this issue has matured, the acknowledgement of the authority and trust of NOAA Fisheries and U.S. managed fisheries, and she noted that the FishWatch program plans to continue to work with everyone around the table.

During the last portion, George Nardi summed up by noting there was a lot of good discussion and he hopes to focus on deliberations at the next meeting to begin finalizing the Committee's advice on this topic. Final input from the Members included the following:

Keith Rizzardi said he thinks the MSC serves an incredibly valuable purpose in the marketplace, but the U.S. fishing community and stakeholders feel they already have to meet higher standards as compared to some other nations, and are frustrated with the cost of the current process and that it can be a barrier in some markets to not have the MSC certification. But, we have to realize the limits of NOAA, particularly financial, and some stakeholders have warned about being careful how far into a logo or inspection process NOAA should go. What can NOAA do and what should it not do? NOAA can make a statement as to whether a fishery is living up to the 10 National Standards, can continue to enforce and implement the ESA and MMPA, and support FishWatch.

But there are some areas where NOAA has limited ability to claim sustainability, such as with regards to water quality and aquaculture operations, without engagement of other agencies.

Since promotion of U.S. wild and farmed fish is supposed to be occurring under the Agricultural Marketing Act, maybe some sort of baseline brand for U.S. seafood serves the community, and can be promoted on FishWatch, while still providing opportunities for MSC or other certification programs for those fisheries that wish to attain a higher certification.

Dave Wallace always felt that NOAA could do more to promote its fisheries management and sustainability to the public and consumer, and asked why shouldn't NMFS and the federal government certify sustainable fisheries? We exceed the FAO criteria. When you consider bluefin tuna, the U.S. fulfills our obligations under ICCAT, but a lot of countries don't and don't manage sustainably, and that's unfair to U.S. fishermen, because we can't declare Atlantic bluefin tuna is sustainable. So, for this fishery, we would need to be straightforward and not certify that particular fishery. But for most domestic fisheries and even transboundary fisheries with Canada, we should be able to certify them from the beginning.

Julie Morris was most supportive of Bob Trumble's suggestion that the proper role for NOAA in all this is to get our information about the status of fisheries posted and communicated. Unbury the data and information certification programs are seeking and make it accessible. But she was not convinced that a government program coming late to the whole effort is the right role for NOAA at this point in time. It's the buyers who are requiring this, and it's a producer-to-buyer issue. Providing good quality data where we have it is a proper role. To Keith Rizzardi's point that we could easily say whether a fishery meets the 10 National Standards, she does not think that's true. We often do not know what optimum yield (OY) is and whether we are doing the best for fishing communities. These parts of the National Standards are articulated as goals, but we do not have the assessment mechanisms to figure out how successful we are in these areas.

Ted Ames supported Keith's suggestion that we can certify that people are functioning under the rules and regulations that are set. You cannot guarantee MSY is attained, but you can certify that the fishery is being managed, and there is a suite of them that are improving because of measures taken by the U.S. and NOAA. There is room to tease out a certification that validates what is being done.

Julie Bonney wished to rebrand the conversation and does not think we are looking for a certification program. We're looking for the U.S. government to stand up for the fisheries that

they manage and say they are doing a good job managing them. She recommends continuing FishWatch, and having some letter that from the Secretary of Commerce that a fishery is being managed under the MSA which producers could take to the buyers. Simple, straightforward, and would keep the cost low. It would be a kind of USDA brand. If people within the industry wish to go to a different level due to markets in Europe or elsewhere, they can still seek an outside certification. We should not try to replace that business model. She did not know how to address the aquaculture because she is less familiar with that part. After two years, we may decide we need to go another leg of the path, but she suggested not conflicting with other business models.

Bob Rheault noted that in the interviews with buyers, they consider this a business-to-business tool, and they don't want a mark that would go to the consumer level. But they do see some action by NOAA as filling a gap for certain producers that are unable to qualify or unable to afford to qualify (like small producers). NOAA would have to be prepared to defend the brand and there would be a cost to that. But he thinks it can be done simply and cheaply, and the buyers interviewed seemed willing to accept something. Doing a cost analysis should be explored now, as the idea gets more defined.

George Nardi followed up on Julie Bonney's comment that besides a letter, it may be possible to have a portal on FishWatch where producers, fisheries, and farmers that qualify could be listed so it's transparent for the public and buyers.

Keith Rizzardi noted that the theme at the Boston Seafood Show was a desire to have the U.S. stand by its brand. It did not matter whether it was certification, a registration number, letter, logo, or website.

Michelle Longo Eder noted that a recurring theme heard this week was about the budget, the potential for continuing reductions and more than sequestration, and that tradeoffs will need to be made. Different priorities are being put forth by different focus groups, some of which will add to budgets. She's very proud of being a fishing family, of how NOAA manages fisheries, and tries to tell this story to everyone. A greater investment in FishWatch and an app that can be used by the public would be very cost-effective and a way to communicate to the consumer that already cares. If FishWatch is directed more towards the buyer, it might benefit from also driving it to the consumer. She also disclosed that two of the fisheries she participates in are being recertified or undergoing certification and she supports the MSC process, particularly to compete worldwide.

[Meeting adjourned for 5/9/2013 and picked up the seafood certification discussion on Friday 5/10/2013:]

Paul Clampitt provided an example of MSC costs. The Alaska halibut and sablefish fishery was the first certified fishery on the Pacific coast. It initially cost the Fishing Vessel Owners Association (FVOA) \$70K for its first certification, and five years later it cost \$120K for recertification. But FVOA received \$90K from Pew to defray costs, and they collect another \$33K annually from processors (as part of the branding they pay for). It has worked out well for them and is not costing the industry more now. They keep collecting about \$33K a year to



defray recertification. What they learned is that it is important to be organized, have the initial funds to pay for certification, and with it, they've been able to label themselves as 'green.'

A persistent question for some members was whether a NOAA certification program would provide the same domestic market access as an external certification program. This was part of the survey, and Bob Rheault reported that so far the answer is generally yes. Additionally, members asked whether small businesses or start-ups might be at a disadvantage if they cannot afford certification, and the responses to date seem to indicate this is true. A fee-for-service managed by NOAA or some other alternative might be more cost effective than paying for certification and audits with a non-governmental organization. MSC and GAA are starting efforts to help small producers, such as pooling them for certification, but it may sound easier on paper and involves other hurdles.

Pam Yochem provided examples for how different levels of certifications work for research facilities. Under the Animal Welfare Act, a research facility can have a registration number that is applied for and is good for three years, with once or twice a year inspections. The facility can cite this number on whatever document it needs to. There is also a process for inspecting different types of facilities under the USDA's Animal Plant and Health Inspection Service (APHIS), which is required to have full cost recovery for its programs through rate setting. Usually costs are based on the inspector's travel time plus time it takes to do the inspection. There are other levels of certification for facilities that receive federal funding which have annual reporting costs. Each example has a website that can be accessed by the public. Maybe this model is workable for FishWatch; use it as a portal for registered businesses with one or more levels of certification and consider fee-for-service for the certifications.

Mr. Nardi recommended a phased approach considering the costs and the economic environment we are in.

- Phase 1. Leverage the FishWatch website. It goes back to the basic tenet that if a facility is permitted/licensed, uses BMPs, and follows all regulations, we would like NOAA to stand up and defend that the activity is sustainable. Determine what the costs would be to list that company or fishery on a portal of FishWatch. It would serve as a third-party verification to customers that company X is in good standing with the fishing community. Develop a follow-on letter if necessary.
- Phase 2: Business-to-business step. If buyers want an eco-label, we could consider this for down the road and the costs involved.

When asked about BMPs for aquaculture, Bob Rheault noted he has been involved in some standard setting processes, but if you are engaged in aquaculture in the U.S., you are meeting standards higher than the third-party certifiers, and don't have long-term impacts outside your footprint. An operation would be certified if following U.S. laws (NOAA, EPA, ACOE, etc.). However, the question about how much verification may be needed was raised.

Pam Yochem noted that people are also still asking for some stamp or number and a very succinct definition of what it stands for (i.e., 'Choice' or 'Prime' for meat).

In discussing the possibilities, other issues that arose are traceability, self-reporting or verification to make sure a business is in good standing on all its permits/documentation, and a

checklist of what documentation would be needed to demonstrate that good standing. The Working Group will continue to gather the information to answer these questions, as well as clarify what will satisfy the buyers. At the moment, being able to answer “this fishery (wild or aquaculture) is responsibly managed” is the direction some members are leaning.

The group discussed if all fisheries could be listed on the website as meeting the requirements, by virtue of being federally managed, or if individual companies would need to apply to be on the website. The value of requiring applications is the opportunity to charge a fee, similar to how the USDA handles it.

An additional option provided by Paul Doremus that might be least cost and a good point of entry, is for NMFS to identify what proof a producer would need to show a buyer to be able to satisfy the buyer’s need for determining that a product is from a federally managed fishery. There was concern this was just the status quo and would not satisfy the buyer. Others suggested that is not status quo, but similar to a confirmation that a producer has a valid permit to fish (or a permit holder’s authorization in an IFQ program). It could be the threshold, and other more complicated steps would still need to be fleshed out. Members on the Committee quickly noted that buyers or processors are already required to record permit numbers from the producers they buy fish, so to get closer to some type of certification, would require an extra layer above that.

The discussion ended with acknowledgement that the Working Group would work through these issues over the next six months, and work towards developing recommendations for MAFAC consideration in October.

## **Friday, May 10, 2013**

### **Update and Status of prior MAFAC Actions – Mark Holliday, Executive Director**

1. A status update of action items from the previous meeting was provided to MAFAC. First, the output of MAFAC’s budget priorities was provided to NMFS leadership in advance of their November 2012 meeting and it provided guidance for the development of the FY2015 budget proposal. Now, knowing that we are in a flat or declining budget environment, there has been a commitment from the Budget Subcommittee to consider the budget priorities in Vision 2020, and refine the advice from the committee to be more pragmatic and prioritized.

Second, the Committee is on track with its work on seafood certification, as witnessed by this meeting. Draft letters for both capture fisheries and aquaculture operations have been drafted, including an actual letter for the Atlantic squid and butterfish fishery. This work needs to continue to be refined. The third recommendation was to maintain and expand FishWatch, and the status of that was presented yesterday. MAFAC recommended that a process be developed to interview a target audience of seafood buyers, and significant progress has been made on the development of that type of survey. Subcommittee members did outreach at the Boston Seafood Show to start the informal ‘survey’ process; about 12 people were interviewed. Other MAFAC members are encouraged to provide names or connections of those they believe would be interested in providing input to Working Group members. The last item that has not yet been tackled is providing cost estimates for various seafood certification scenarios. This will be important for considering tradeoffs. What are the nominal costs of the different steps to a

seafood certification program, and additionally, who pays for the various steps or components? This will be worked on over the next six months.

Third, *Vision 2020* was approved, final edits were made, and a one-page and two-page handouts were developed and accompanied the report as part of the transmittal to Dr. Lubchenco before she left NOAA. We had plans to brief the Secretary of Commerce, but right now, we are in a transition/holding period until a new Under Secretary and Secretary are appointed. After that we planned to conduct Hill member and staff briefings.

The fourth item is the ESA and jeopardy issue. The Working Group has made great progress, and the chair, Julie Morris, is providing a midterm briefing to the CCC now and this Committee later today. She has done a great job on managing the work and expectation on this controversial issue. The terms of reference continue for another six months and the Working Group is on track to deliver its findings in the fall.

The fifth and final item has to do with the Recreational Fishery Subcommittee. Since the last meeting, NMFS has reinvigorated the Recreational Fishing Working Group and it now has a full complement of 21 members. The group has worked with Russ Dunn on regional listening sessions, and better connections have been made between the group, headquarters staff, and recreational coordinators in the field.

2. The second major update issue is the prospect of reducing or eliminating face-to-face meetings for all federal advisory committees due to sequestration and budget challenges. All NOAA travel has been minimized. We are considering all other types of meeting options and approaches, including virtual meetings. For the fall, we need to keep in mind that an agenda for a virtual meeting might look very different as compared to a face-to-face meeting.

3. Over the summer, staff anticipate supporting the Seafood Certification and ESA Working Groups. If there are additional subcommittee meeting needs, it would be good to alert staff as soon as possible to best plan for resources and time. This will be discussed again before the meeting is over.

### **Working Waterfronts – Keith Rizzardi**

The presentation that was provided can be found [here](#). On behalf of MAFAC, Mr. Rizzardi led a session at the National Working Waterfront & Waterways Symposium in Tacoma in March. Panelists included Linda Behnken from the Alaska Longline Fishermen's Association; Sebastian Belle from the Maine Aquaculture Association; Jennifer Steger from the Northwest and Alaska Region NOAA Restoration Center, who talked about habitat; and Captain Johnny Williams of Williams Boat Service in Galveston, Texas who represented the voice of the recreational for-hire fishermen.

The panel explored what the big challenges and concerns were and discussed recommendations for improvement. Issues discussed included the problem of losing access, the need for better socio-economic data, overlap between coastal issues and recommendations in the National Ocean Policy, and how better coordination among regulatory agencies might improve mitigation and enhancement efforts when permitting is involve.

MAFAC Summary/Actions: All members received a summary report from the conference (found [here](#)). After discussion about data, staff said they would provide documentation on the types of socioeconomic data that were discussed.

MAFAC members expressed significant interest in making working waterfront issues a priority and working toward development of some kind of policy, however the extent or scope of a potential policy (guidelines, NOAA-specific, or more national) was not yet determined.

Considerations discussed by MAFAC were: the need to include characteristics of ecosystems in models to support MSY and impacts on rebuilding timelines (fishing may be out of sync with the scale of productivity, or if no coastal fishing is allowed, numerous businesses are impacted); whether onsite or offsite mitigation (i.e. mitigation banking) was working and might be an option for offshore mitigation; and how to support infrastructure that may be lost while fisheries are being rebuilt.

Next steps include identifying a champion and development of terms of reference for a subcommittee or working group to lead this effort.

### **ESA Working Group – Julie Morris**

Julie thanked the work of the NMFS team and the other members of working group, noting everyone has been generous with their time and solution oriented. She provided a status of the progress of the group to date, noted that the Working Group is seeking MAFAC's reaction to the work to date, and that the next step will be to confer more with General Counsel and run the options through some scenarios (possibly from the October case studies) to determine if they are workable, and then move from options to recommendations.

She discussed the draft matrix of options that have been developed for consideration (found [here](#)) and noted the pros and cons of each. This is still new to the members of the Working Group, and they will be reviewing it in more detail over the coming month. Four options focus on a better defined role for Councils in early informal consultation which has great benefits. If involved later, there's a greater likelihood that the Council preferred option will lead to jeopardy, requiring reasonable and prudent alternatives (RPAs) to mitigate jeopardy.

The next group of options provides a more formal role for the Council once the preferred action is identified and the formal Section 7 consultation begins. The final, ninth option, which developed late out of the discussion, is a more flexible mechanism involving a memorandum of understanding (MOU) between Sustainable Fisheries and a Council covering a specific fishery management plan (FMP) and describing the Council role in both informal and formal consultations. This looks good now, but it's untested and so new, the Working Group is not sure if it presents other hurdles.

The group has not determined the best option as yet, but the sense from the Monday meeting was that the Agency was interested in the overarching MOU approach and flexibility it offers. It allows aspects of the other options, and an understanding of the Council role and particular FMPs. The more informal options that avoid action agency, applicant, and non-federal representation designations are attractive as well.

Regarding comments from the CCC, Sam Rauch requested the working group focus a little more on the RPA process and a Council's role in that. He also noted that these options will work well when there is plenty of time, but in the majority of cases, the time lines are much shorter for protected resource actions. You do not want to put the fishery or resource in jeopardy. He is hoping the Working Group can come up with options or mechanisms for quick interim actions, and a more deliberate process when time permits.

Chris Oliver (North Pacific Fishery Management Council) liked the MOU approach in his remarks to Julie at the CCC meeting earlier that morning, but had questions about its structure, and the roles of each entity. He questioned if it is a policy or timing issue. Sam suggested it is in the policy realm. Overall, the response from the CCC was positive and we did not receive feedback that any of the options presented were off the table.

Alan Risenhoover noted that he has stressed with staff that they need to keep the end result in mind while determining the best way to get there. Also, the better information NMFS receives from the action agency, Corps, and Council and how the problem is defined, the better they know the parameters and what is needed in the final outcome. Additionally, the idea of front loading has been discussed in the past, and was incorporated into revised operational guidelines for the Agency. They were never formally adopted, but NMFS is working with Councils on a new schedule to revise/finalize new operational guidelines.

The other part of the work effort underway deals with characterizing types of information, recognizing limits and data poor environments, coming up with a chart or matrix to better describe the quality of the information, and providing a better analysis of why it was selected as part of the biological opinion or not. This is in a very early stage and will be worked on over the coming months.

The final piece being worked on by the Working Group is better defining the Council role in situations where outside litigation or new information is driving a protected resource action and not an FMP, but the result might impact FMPs.

### **Managing Our Nation's Fisheries Discussion**

MAFAC discussed the findings that resulted from MONF3 Conference sessions, and identified a subset as issues that were a medium or high priority for MAFAC to consider, related to Vision 2020 priorities or other current work of the Committee, or had policy implications that might benefit from MAFAC exploration and input. The session topics were discussed in a priority order based on the number of MAFAC members that attended (as a proxy for 'high interest' to MAFAC).

The individual findings for each session were reviewed and discussed as to whether they were a low, medium, or high concern for MAFAC members. The group reemphasized that the findings were not consensus and are not recommendations as yet for explicit MAFAC or NOAA follow-on action, but simply findings of the conference participants.

Of the 128 total findings, 33 were chosen by MAFAC as a priority for consideration. Some general comments and the reference number of these 33 findings are as follows:

Session 2.1 Assessing Ecosystem Effects and Integrating Climate Change	
Findings 2, 3, 4, 5, 8, 10, 12	There is a need for a national strategy for improved interjurisdictional collaboration for species movement across existing boundaries. Changes may happen rapidly; management will have to react quickly and effectively. Iterative/adaptive management, EBM and integrated assessments will be needed. Maintaining/increasing management flexibility. With shifting baselines due to warming waters, there will also be interest in reopening and possibly shifting closed areas in particular. Finding 12 concerns ESA and whether species should be listed based on current trends or predictions of changes in climate.
Session 3.2 Integrating Community Protection, Jobs Emphasis, and Domestic Seafood Quality Assurance	
Findings 1, 2, 8, 14, 15	Focus was on financing, aquaculture, and access to resources for smaller communities. There is a lot of utility already in MSA that some groups are unaware of, so potentially need more guidance on CFAs, RFAs. Issues raised on property rights and facilitating private investment, and related topics were analogous to working waterfront and NS8 issues. Discussed whether MSA is the proper tool to manage aquaculture, how to support permitting.
Session 3.3 Assessment and Integration of Social and Economic Tradeoffs	
Findings 1, 5, 6, 11, 12, 13, 14	#1 was chosen as a topic for MAFAC to recognize as critical, but not debate. Fits in with interjurisdictional discussion. As a longer term topic, there was interest in how to operationalize OY and factor social, economic, and ecological factors. Regarding data and confidentiality, the issue is a broad policy question – how much information is available to the public, from those that are using a public resource (quid pro quo). Allocations and reallocation is a larger concern and higher priority for MAFAC (#12, 13, 14); there's concern from the rec community of limited methodology/tool for assessing and transferring allocation, economic data may not be used consistently.
Session 2.2 Forage Fish Management	
Findings 3, 11	Tools exist to manage forage fish. There was discussion as to whether a new national standard is necessary. This is important, but not a priority for MAFAC. However, it should be possible for MAFAC to develop a <u>statement</u> supporting NOAA's work on understanding relationships between habitat and productivity to evaluate tradeoffs and improving interjurisdictional collaboration on forage fish management.
Session 2.3 Integrating Habitat Considerations and Impediments	
Findings 1, 7, 8, 10	High priority for the Ecosystem Subcommittee to discuss further include whether EFH should have a national standard, whether EFH needs to be defined more broadly, shift focus from single species to multispecies, and identify priority habitats through research and science.
Session 1.1 ACL Science and Implementation Issues	
Findings 1, 5, 6	Flexibility under ACLs was discussed, as was the recommendation that MAFAC stays up to date on NS1 development and use the MAFAC subgroup to explore how to manage recreational catch differently (different tools and strategies).
Session 3.1 Recreational and Subsistence Fishery Connections	
Findings 5, 6, 7	5 deals with allocation issues (which is also discussed below). There is a need for better recognition of subsistence fishing and its definition (local, indigenous), and what it would include, in the MSA.

Session 1.2 Rebuilding Program Requirements and Timelines	
Findings 4, 9	Discussed use of different terms for ‘overfished’ (such as depleted), potentially adjusting rebuilding timeframes for species with long generation times,
Session 1.3 International Fisheries Management – Leveling the Playing Field	
	No findings chosen; no priorities for MAFAC

The priority findings were then ‘binned’ by the overarching issue or theme, and assigned to a specific MAFAC subcommittee. The following table identifies the subcommittee (in caps), the overarching theme, and provides the full text of the specific finding. A couple of findings are assigned to more than one subcommittee.

<b>RECREATIONAL FISHERIES: Revise NS1 to allow multi-year minimum stock size thresholds</b>	
1.1.1	Consider multi-year minimum stock size thresholds and ACL framework (phase-in ACL changes, constrain large inter-annual ACL changes, don't base overfished determination on a single year estimate).
1.1.5	Eliminate hard quotas managed in-season for rec stocks. Adjust pre-season input controls (bag limits, seasons) to stay within ACL (based on numbers of fish, not pounds).
1.1.6	Manage with long-term mortality rates for more stability (eliminate wide fluctuations in catch limits)
1.2.4	Replace 'overfished' with 'depleted' (status may not be due to excessive fishing) [only some conference folks supported this; others disagreed].
3.3.5	Need to define, identify sideboards, and metrics of elements of OY; redefine OY/MSY relationship to no longer be one directional --social, economic, and non-economic values could allow OY to be above MSY.
<b>ECOSYSTEMS: Interjurisdictional coordination on effects of climate change on species shifts</b>	
1.2.9	Increase frequency and quality of stock assessments and rebuilding analyses and incorporate ecosystem dynamics; recognize limitations of science.
2.1.2	Increase coordination between/across jurisdictions to address changing species distribution and ecosystem change (Councils, states, international).
2.1.3	Precautionary & Adaptive Management: Flexibility to respond to spatial, allocative, and distributional effects of climate change.
2.1.4	Precautionary & Adaptive Management: Address rebuilding requirements when environmental conditions may be predominant factor in stock's decline.
2.1.5	Precautionary & Adaptive Management: Assess barriers to adaptation (fishing communities & fish stocks).
2.1.8	Precautionary & Adaptive Management: Develop a comprehensive national plan and tools which facilitate development of regional management strategies.
2.1.10	Precautionary & Adaptive Management: Evaluate effectiveness and utility of closed/fixed areas.
2.1.12	ESA: Base listings on actual trends rather than projected trends of climate change.
2.2.11	Improve Interjurisdictional collaboration and coordination on forage fish management.

3.3.1	MSA needs to incentivize response to challenges, population growth, climate change, globalization, and budget cuts.
<b>ECOSYSTEMS: Forage Fish Management</b>	
2.2.3	Improve understanding of relationships between habitat and productivity to support identification and evaluation of tradeoffs.
2.2.11	Improve Interjurisdictional collaboration and coordination on forage fish management.
<b>ECOSYSTEMS: Priorities for EFH implementation</b>	
2.2.3	Improve understanding of relationships between habitat and productivity to support identification and evaluation of tradeoffs.
2.3.1	Consider a national standard for habitat: "Minimize adverse impacts on EFH to the extent practicable."
2.3.7	Define EFH more broadly.
2.3.8	Shift interpretation of EFH from single-species to multispecies and ecosystem focus.
2.3.10	Identify priority habitats that benefit fisheries, focus habitat research.
<b>STRATEGIC PLANNING: Consideration of allocation processes, consistency, and related factors</b>	
3.1.5	Allocations are not permanent - need to be more proactive in routine review and modification as needed. Decisions should be left to regions, and creative solutions may result from constructive dialog between sectors.
3.1.6	Rec and subsistence considerations need higher priority in fishery management policy choices, AND in other policy arenas that affect fisheries (conventional & alternative energy).
3.1.7	Define subsistence fishing in the MSA, and expand recognition of tribes and indigenous people engaged in subsistence fishing.
3.3.12	MSA mandate for Councils to consider review of rec. and comm. Allocations every (x) years after scoping allocation based on objective guidelines.
3.3.13	NOAA standardized methods on how to review allocations.
3.3.14	Improve NOAA support for allocation reviews (contracted analysts/economists).
<b>STRATEGIC PLANNING: Confidentiality</b>	
3.3.11	Reform MSA confidentiality provisions, access to data from public trust resource users while protecting sensitive information.
<b>STRATEGIC PLANNING: Definition of Overfished</b>	
1.2.4	Replace 'overfished' with 'depleted' (status may not be due to excessive fishing) [only some conference folks supported this; others disagreed].
3.3.5	Need to define, identify sideboards, and metrics of elements of OY; redefine OY/MSY relationship to no longer be one directional --social, economic, and non-economic values could allow OY to be above MSY.
<b>COMMERCE: NS8, sustainable communities, working waterfronts</b>	
3.2.1	Create, modify, and promote financial tools and training to support small and community-based borrowers (NOAA Fisheries Finance Program, CA Fisheries Fund).
3.2.2	Resolve institutional impediments to fisheries commerce (establish central registry to facilitate lending; improve aquaculture permitting process).
3.2.8	Anchor quota in communities (use ecosystem-based management, Community Fishing Associations).



3.3.5	Need to define, identify sideboards, and metrics of elements of OY; redefine OY/MSY relationship to no longer be one directional --social, economic, and non-economic values could allow OY to be above MSY.
3.3.6	Expand socioeconomic analysis requirements to include economic value and non-market value quantification.
<b>COMMERCE: Aquaculture permitting and funding</b>	
3.2.2	Resolve institutional impediments to fisheries commerce (establish central registry to facilitate lending; improve aquaculture permitting process).
3.2.14	Need end to end streamlined regulatory process for aquaculture.
3.2.15	Wild harvest and aquaculture are more similar than different, and both need to meet supply needs and attain economic benefit.

### **Fisheries Allocation Report and Subsistence Fishing- Sam Rauch**

**Allocations:** Fisheries allocations are not new; Councils do allocations all the time. But, it is an issue that influences a range of sectors beyond simply commercial or recreational fishermen – small-scale fishermen, subsistence, States, etc. The real issue is how you ensure whatever the allocation is today is in the best interest of the country. Sam agreed there is a need to reevaluate the issues, it has been discussed with the Councils, and two policy documents encourage this, the catch share policy and recreational fishing actions agenda.

To facilitate this discussion, NMFS hired George LaPointe to conduct a review and get input from stakeholder. His report has five main points: 1) improve stakeholder engagement; 2) improve biological and social science research; 3) create a formalized review of allocations; 4) create a compilation of allocation decisions with lessons learned (guidance documents); and 5) provide guidance on general issues to consider when making allocation decisions. Some of this will be easy to accomplish, but others will require resources.

Councils are concerned that a lot of time and effort went into making allocations decisions, and it will take more time and effort to analyze for change. This has real workload implications, and there is sensitivity to that. There is also concern about investment backed expectations – business plans and arrangements based on the allocation people have now. A lot of people have different expectations, don't know what a new allocation process will look like, and some do not wish to see a change. But, even if it's contentious, we have an obligation to reassess.

The CCC decided to deal with item 4, a summary of all allocation decisions that have gone forth and review of the factors that were considered in the decision-making process. This is due late summer.

Regarding #2, NMFS asked the CCC to task this to the National Science and Statistical Committee (SSC). We have made a substantial investment in social science, but there are cuts there as elsewhere. So the question is what biological and social science information would facilitate the Councils being able to make allocation decisions? We need to get more specific. The Terms of Reference for this effort need to be created.

The Councils are not yet prepared to agree to #3, a formalized review. They are struggling with how to do that, and will likely be discussing it at the next few CCC meetings, particularly when there has been a chance to digest the MONF3 findings. Regarding the other recommendations,

we have put out guidance in the past, such as in the catch share policy, and the Councils could likely benefit from more, especially for how to consider what the best interests of the country would be; what would a formula look like? There is some support for that, but not a lot of support. They support more broad guidance.

Phil Dyskow asked about market based allocations, and also noted that there are regional differences in the issues and having regional flexibility is probably a good thing. The first was not discussed at the CCC. It implies having something that could be traded, such as catch shares, and that engages a different set of political questions. The second is true. Uniformly, we need to make sure FMPs are serving the needs of stakeholders today.

Julie Morris noted that the Gulf Council had an allocation committee and developed tools and methodologies to consider in an allocation decision. Not sure it's in practice, but it's a resource.

When asked if this is an issue MAFAC should take on, Sam noted that you would have to get the Councils to agree. Keith Rizzardi suggested that MAFAC could begin to work on this issue and invite the Council to participate, but it would be discretionary.

One final comment is that the allocation issue could be dealt with outside of MSA reauthorization, however, if Councils do not embrace the issue on their own, Congress may be telling them what they have to do.

***Subsistence:*** We generally don't have subsistence quotas or definitions, but Sam would like to see an idea for an approach for better treatment of subsistence fishing in the reauthorized law. It is related to allocation issues, but that is not what is driving the discussion at the moment. It's broader than treaty rights in areas like the Pacific Islands, Alaska, and North Carolina.

### **Next Meeting (October 2013) and Wrap Up**

***Seafood Certification Working Group*** will continue to work by e-mail and conference call. They will assess survey results, put together a flow chart and outline, and work with NOAA staff to consider the costs of different options (cost analysis) with a target for completion before October.

***ESA Working Group*** is scheduling a conference call in July. The nine options in the matrix, including the MOU idea will be developed further, and they will address the questions from CCC. Final report is due by October.

***Other Subcommittees:*** will review the MONF3 findings assigned to them and will develop a work schedule to discuss the findings and issues raised over the summer.

Other meeting issues:

1. Meeting materials should be available to members two weeks before the meeting, and must be to NOAA two weeks before that for final review.
2. NMFS staff will be reviewing meeting options, in addition to traditional conference call, such as video conferencing. Staff will be in touch with members to catalog their equipment and options.